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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,431	09/19/2003	Rento Tanase	P 306046 H7975US	8307

7590 07/16/2008  
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EXAMINER
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KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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07/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,431	<b>Applicant(s)</b> TANASE ET AL.	
	<b>Examiner</b> BASIL KATCHEVES	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 5,8,13,14 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5,8,13,14 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Pending claims 5, 8, 13, 14 and 28 are examined below.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rod-like member and its orientation respective to the hollow portions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claims 8, 13 and 14 are objected to. These claims state the rod -like member is at a part of the first and second hollow portions and extending over a plurality of the first and second hollow portions but then states it is not in one of the first or second portions. The claims will be examined as best understood. Clarification regarding the orientation of the rod is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,329,827 to Thorn in view of U.S. Patent No. 5,625,996 to Bechtel.**

Regarding claims 5, 28, Thorn discloses a hollow panel (Figure 5) comprising first hollow portions with a first width and second hollow portions arranged in the same plane and with a second width different than the first width, the hollow portions between outer plates (lower 1 and 2), wherein the partition walls (4) are made of wood (column 2, last line). In addition, Thorn discloses the panel as being comprised of wood except for being homogeneous of wood since component 2, in figure 1, is metal. Bechtel discloses a panel for use in building structures and being made of wood outer plates (1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thorn by using wood for component 2, as disclosed by Bechtel, in order to standardize the panel, decrease costs and aid in fire protection (Bechtel column 1, lines 35-46).

**Claims 8, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,329,827 to Thorn.**

Regarding claims 8, 13, and 14, Thorn discloses a hollow panel (Figure 5) comprising first hollow portions (fig. 5: cavity adjacent the number 2) with a first width and second hollow portions (cavity between numbers 4 in fig. 5) arranged in the same plane and with a second width different than the first width, wherein the partition walls (4) are made of wood (column 2, last line). In addition, Thorn discloses a rod like member (fig. 5: 5) disposed at a part of the first and second hollow portions with a section shape that corresponds to the shape of the part, the member (5) being located outside (not inserted into) of the hollow portion (the hollow portion being the area between members 5 and between where the numbers 4 point). Thorn also discloses a pair of flat outer sides (fig. 5: bottom plate 1 & 2) which are substantially parallel to each other and the depth of both hollow portions substantially corresponding to each other, the hollow portions between the flat outer sides (fig. 5: bottom plate 1 & 2). However, Thorn does not disclose the rod-like member as extending over the first and second hollow portions in this embodiment. However, Thorn discloses another embodiment (fig. 1: 5) where the rod extends over both hollow portions. It would have been obvious

to one having ordinary skill in the art at the time the invention was made to use this embodiment as a simple design choice.

### **Response to Arguments**

Applicant's arguments filed 3/24/08 have been fully considered but are moot under new grounds of rejections.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot, can be reached at (571) 272-6777.

/Basil Katcheves/

Primary Examiner, Art Unit 3635